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21
22 UNITED STATES DISTRICT COURT
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24 NORTHERN DISTRICT OF CALIFORNIA
25
26 OAKLAND DIVISION

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28 J.B.,
17 Plaintiff,
18 v.
19 G6 HOSPITALITY, LLC, *et al.*,
20 Defendants.

Case No.: 4:19-cv-07848-HSG

**STIPULATED PROTECTIVE ORDER
REGARDING PLAINTIFF'S IDENTITY**

Complaint Filed: September 19, 2019

1 Pursuant to Local Rule 7-12, Plaintiff J.B. (“Plaintiff”) and Defendant Rajesh Khatri &
2 Hansaben Khatri d/b/a Economy Inn Oakland (“Defendant”) (collectively, the “Parties”) stipulate
3 and agree as follows.

4 **I. PURPOSE AND SCOPE**

5 1. The Parties agree that there is a compelling interest in Plaintiff’s privacy and safety,
6 and that this Stipulated Protective Order is necessary in order for Plaintiff to avoid having sex
7 trafficking perpetrator(s) obtain information about her identity or other private information.
8 Accordingly, the Parties exclusively will reference the Plaintiff through the pseudonym “J.B.” or
9 as “Plaintiff” in all written correspondence, public filings, and public Court proceedings.

10 2. The Court prohibits the filing of documents under seal without obtaining leave
11 except in emergency situations. Nothing in this Stipulated Protective Order authorizes the filing
12 of materials under seal. Thus, if needed to comply with this Stipulated Protective Order, the
13 Parties may file a motion seeking the Court’s permission to file documents under seal in
14 accordance with the Local Rules for the United States District Court for the Northern District of
15 California.

16 3. If any Party or third-party has access to information about Plaintiff’s identity, and
17 asserts a need to identify the Plaintiff during a public Court proceeding or in a public filing, that
18 Party or third-party is required, before making any identifying communication, to seek an order
19 from the Court to seal the proceeding, and/or file a redacted document, or file a motion to seal the
20 record. If any Party or third-party has questions about whether any forthcoming filing or
21 communication in connection with a Court proceeding is in compliance with the requirements of
22 this Stipulated Protective Order, they should seek leave of Court prior to submitting any such
23 filing or making any such communication.

24 4. The Parties will comply with the good faith meet-and-confer requirement in
25 Federal Rule of Civil Procedure 37(a)(1) prior to seeking judicial intervention if there are any
26 disputes relating to this Stipulated Protective Order.

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1 **II. DISCLOSURE OF PLAINTIFF'S IDENTITY**

2 5. Counsel for Plaintiff shall provide to counsel for Defendant the Plaintiff's true
3 identity upon the entry of this Stipulated Protective Order. This disclosure shall include:
4 Plaintiff's full name, maiden name, alias names used at any time, and date of birth ("Plaintiff's
5 True Identity").

6 6. Plaintiff shall clearly mark any communications, documents, or information that
7 contain Plaintiff's True Identity or other information that may reveal Plaintiffs' True Identity with
8 the term "TRUE IDENTITY" and the Parties shall follow the procedures and requirements of this
9 Protective Order concerning any materials or information with this designation.

10 7. Defendant, as well as their agents, employees, and assigns shall keep Plaintiff's
11 True Identity all material designated "TRUE IDENTITY" confidential during and after the
12 conclusion of this matter. Defendant may only disclose Plaintiff's True Identity to the following:

13 A. The Parties to this litigation after signing the attached agreement to be
14 bound by this Stipulated Protective Order, including any employees, agents,
15 and representatives of the Parties as needed to litigate any claims or
16 defenses. However, all employees, agents and representatives who are
17 given Plaintiff's True Identity shall be informed that the information is
18 confidential and the Party providing the information shall require the
19 employee, agent and/or representative to whom Plaintiff's True Identity is
20 given to maintain that information as confidential consistent with the terms
21 of this agreement;

22 B. Counsel for the Parties who have agreed to this Stipulated Protective Order
23 and employees, agents, and representatives of counsel as needed to litigate
24 any claims or defenses. However, all employees, agents and representatives
25 who are given Plaintiff's True Identity shall be informed that the
26 information is confidential and the Party providing the information shall
27 require the employee, agent and/or representative to whom Plaintiff's True
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1 Identity is given to maintain that information as confidential consistent with
2 the terms of this agreement;

- 3 C. The Court, court personnel, and members of the jury;
- 4 D. Court reporters, recorders, and videographers engaged for depositions;
- 5 E. Any mediator appointed by the Court or jointly selected by the Parties, after
6 signing the attached agreement to be bound by this Stipulated Protective
7 Order;
- 8 F. Any expert witness, outside consultant, or investigator retained specifically
9 in connection with this litigation, after signing the attached agreement to be
10 bound by this Stipulated Protective Order;
- 11 G. Government agencies and agency personnel, but only to the extent that the
12 disclosure of Plaintiffs true identity is necessary to litigate any claims or
13 defenses or to comply with any obligations or requirements;
- 14 H. Insurers, insurance advisors, and indemnitors for any of the Parties.

15 However, all such individuals who are given Plaintiff's True Identity shall
16 be informed that the information is confidential and the Party providing the
17 information shall require those individuals to whom Plaintiff's True Identity
18 is given to maintain that information as confidential consistent with the
19 terms of this agreement;

- 20 I. Any potential, anticipated, or actual fact witness, including but not limited to
21 Plaintiff's treatment providers, and their counsel, but only to the extent
22 Plaintiff's true identity will assist the witness in recalling, relating or
23 explaining facts, and/or producing documents -- except that Plaintiff's true
24 identity must not be disclosed to Plaintiff's known trafficker(s) or Plaintiff's
25 traffickers' known affiliate(s), unless the Parties follow the procedures in
26 sub-paragraph (J) below;
- 27 J. Plaintiff's known trafficker(s) or Plaintiff's traffickers' known affiliate(s)
28 and their counsel, but only to the extent Plaintiff's true identity will assist the

witness in recalling, relating or explaining facts; such disclosure is authorized only if the Party requests and obtains a Court order before making any disclosure. The Moving Party must file a motion describing the circumstances to the Court. Before filing a contested motion, the Parties must first meet and confer, and if they reach agreement, they may submit a stipulated motion to the Court requesting such an order; and

K. Persons to whom disclosure is compelled by law, including by subpoena, warrant, or court order.

9 8. Except as authorized in Paragraph 7(J), Defendant agrees not to disclose Plaintiff's
10 True Identity to Plaintiff's traffickers or any of the traffickers' known affiliates. To ensure
11 Defendant can reasonably comply with this paragraph, Plaintiff will disclose all such individuals
12 to Defendant upon entry of this Protective Order. Nothing in this Order prevents Plaintiff from
13 subsequently notifying the Defendant of additional known affiliates subject to this section.

14 9. All Parties and any third-parties appearing or submitting filings in this case are
15 **required to redact** Plaintiffs' True Identity and any other identifying information (for example,
16 contact information, address, medical records number) of Plaintiff in their filings with the Court.

III. TERMINATION AND DESTRUCTION OF DOCUMENTS

18 10. Within 60 days after the termination of this action, including all appeals, Defendant
19 must destroy all documents, including all copies, extracts and summaries thereof, reflecting
20 Plaintiff's True Identity.

21 DATED: November 4, 2022

Jeff Cabraser Heimann & Bernstein, LLP

By: Michelle A. Lamy
Michelle A. Lamy
Attorney for Plaintiff, J.B.

1 DATED: November 4, 2022

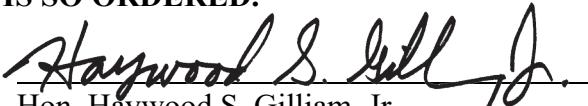
2 Bordin Semmer LLP

3 By: 

4 Andrei Serpik
5 Attorney for Defendant Economy Inn

6 PURSUANT TO STIPULATION, IT IS SO ORDERED.

7 DATED: 11/7/2022

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9 Hon. Haywood S. Gilliam, Jr.
10 United States District Judge

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EXHIBIT A

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

3 I, _____ [print or type full name], of _____
4 [print or type full address], declare under penalty of perjury that I have read in its entirety and
5 understand the Stipulated Protective Order that was issued by the United States District Court for
6 the Northern District of California on _____ [date] in the case of *J.B. v. G6*
7 *Hospitality, LLC, et al.*, Case No. 4:19-CV-07848-HSG.

8 I agree to comply with and to be bound by all the terms of this Stipulated Protective Order
9 and I understand and acknowledge that failure to so comply could expose me to sanctions and
10 punishment in the nature of contempt. I solemnly promise that I will not disclose in any manner
11 any information or item that is subject to this Stipulated Protective Order to any person or entity
12 except in strict compliance with the provisions of this Order.

13 I further agree to submit to the jurisdiction of the United States District Court for the
14 Northern District of California for the purpose of enforcing the terms of this Stipulated Protective
15 Order, even if such enforcement proceedings occur after termination of this action.

16 I hereby appoint _____ [print or type full name] of
17 _____ [print or type full address and telephone number] as my
18 California agent for service of process in connection with this action or any proceedings related to
19 enforcement of this Stipulated Protective Order.

21 Date: _____

23 | City and State:

25 Printed name:

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